

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY WIRT, et al.,

Plaintiffs,

Case No. 04-73753

v.

Honorable Gerald E. Rosen
U.S. District Judge
Honorable R. Steven Whalen
U.S. Magistrate Judge

TICONA POLYMERS, INC.,
et al.,

Defendants.

ORDER

Before the Court is Plaintiff's Fourth Motion to Compel Discovery [Docket #56], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons and under the terms stated on the record on July 7, 2005, Plaintiff's motion is GRANTED IN PART AND DENIED IN PART, as follows:

(1) As to Plaintiff's Interrogatory #1, the motion to compel is GRANTED, and Defendant shall prepare and provide to Plaintiff the list requested in this Interrogatory.

(2) As to Plaintiff's Interrogatory #3, Plaintiff's request for additional information, beyond what has already been provided, is DENIED.

(3) As to Interrogatory #4, Plaintiff's motion to compel is GRANTED as to the entities set forth in Plaintiff's motion and indicated by the Court on the record on July 7,

2005.

(4) As to Plaintiff's request for legible copies of certain documents already provided, that request is dismissed as moot, with the proviso that Defendant's counsel will make the originals available to Plaintiff's counsel for viewing. In addition, Plaintiff himself may view the originals or legible copies of any documents not marked "confidential and restricted."

(5) As to Plaintiff's request to be allowed to view or have access to documents marked "confidential and restricted," the motion is DENIED.

(6) Plaintiff's request for verification of the answers to interrogatories already provided is dismissed as moot, as such verification has been made.

(7) All of the discovery permitted under the above paragraphs shall be provided to Plaintiff's counsel no later than 48 hours prior to the date of the depositions described in paragraph (8) of this Order.

(8) The depositions of Kenneth Fletcher, Ken Price and Terry Nally shall take place within 14 days of the date of this Order, in Florence, Kentucky. The scope of these depositions will not be restricted as requested by Defendant.

SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 7, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 7, 2005.

s/Gina Wilson

Judicial Assistant